

City of Round Rock  
Regular City Council Meeting  
July 23, 2009

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The Round Rock City Council met in Regular Session on Thursday, July 23, 2009, in the City Council Chamber, 221 E. Main Street.

[CALL SESSION TO ORDER - 7:00 P.M.](#)

Mayor McGraw called the meeting to order at 7:03 p.m.

[ROLL CALL](#)

Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember Carlos Salinas, Councilmember John Moman, and Councilmember Kris Whitfield. Also present were City Manager Jim Nuse, Assistant City Manager/CFO David Kautz, Assistant City Manager Cindy Demers and City Attorney Steve Sheets. Councilmember George White was absent from this meeting.

[PLEDGE OF ALLEGIANCE:](#)

Mayor McGraw led the following Pledges of Allegiance:

3A. United States Flag

3B. Texas State Flag

[CITIZEN COMMUNICATION](#)

Debbie Hoffman, 500 Dove Creek, Round Rock with Habitat for Humanity spoke to the Council regarding the 2009-2010 First Year Action Plan for CDBG activities.

[PROCLAMATIONS:](#)

[5A. Consider proclaiming August 2009 as "Round Rock Breastfeeding Month."](#)

Mayor McGraw read the following proclamation and presented it to Heather Chelsea with the Williamson County and Cities Health District:

WHEREAS, August is World Breastfeeding Month and the Williamson County & Cities Health District's Women, Infants and Children (WIC) program takes this occasion to educate and encourage breastfeeding and regular health care for mothers and babies; and

WHEREAS, the Williamson County & Cities Health District's WIC mission is focused on improving the nutritional status of low-income and moderate-income women, infants, and children by providing food and education on nutrition and breastfeeding; and

WHEREAS, the WIC staff of the Williamson County & Cities Health District demonstrates the highest quality of public service in serving thousands of families each year;

NOW THEREFORE, I, Alan McGraw, Mayor of the City of Round Rock, Texas, do hereby proclaim the month of August 2009 as

"ROUND ROCK BREASTFEEDING MONTH"

in the City of Round Rock, Texas, and urge all citizens to take part in showing support for breastfeeding mothers and recognizing the successes of healthy mothers and healthy children.

PROCLAIMED this 23rd day of July, 2009.

[5B. Consider proclaiming August 4, 2009 as "National Night Out" in the City of Round Rock.](#)

Mayor McGraw read the following proclamation and presented it to Chief Bryan Williams and Officer Sandy Wright of the Round Rock Police Department:

WHEREAS, the Round Rock Police Department and National Association of Town Watch is sponsoring a nationwide crime- and drug-prevention program on August 4, 2009, called "National Night Out"; and

WHEREAS, the 25th Annual National Night Out provides a unique opportunity for Round Rock to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention and quality-of-life efforts; and

WHEREAS, citizens play a vital role in assisting the Police Department through joint crime and drug prevention efforts in Round Rock; and

WHEREAS, it is essential that all citizens of Round Rock be aware of the positive impact their participation can have on reducing crime, drug usage and violence in our town; and

WHEREAS, police-community partnerships and neighborhood cooperation and awareness are important themes of the National Night Out program;

NOW, THEREFORE, I, Alan McGraw, Mayor of the City of Round Rock, Texas, do hereby proclaim August 4, 2009, as National Night Out in the City of Round Rock and urge all citizens to join me, the City Council and Police Chief in supporting this important night.

PROCLAIMED this 23rd day of July 2009.

APPROVAL OF MINUTES:

[6A. Consider approval of the City Council minutes for July 9, 2009.](#)

MOTION: Councilmember Moman moved to approve the City Council minutes for July 9, 2009.

Mayor Pro-tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	Councilmember White

ACTION: The motion carried unanimously.

PRESENTATIONS:

[7A1. Consider a presentation regarding the City's financial status.](#) Cheryl Delaney, Finance

Director made the staff presentation.

PUBLIC HEARINGS:

[8A1. Consider public testimony rezoning 0.9248 acres of land on Sunrise Road from LI \(Light Industrial\) zoning district to C-1a \(General Commercial - Limited\) zoning district.](#) Jim Stendebach,

Planning and Community Development Director made the staff presentation.

Mayor McGraw opened the public hearing.

There being no testimony, the public hearing was closed.

ORDINANCES:

[9A1. Consider an ordinance amending Chapter 6, Section 6.502, Code of Ordinances regarding temporary food establishments. \(Second Reading\)](#) Steve Sheets, City Attorney made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6.502, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING TEMPORARY FOOD ESTABLISHMENTS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Mayor Pro-tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

[9B1. Consider an ordinance rezoning 0.9248 acres of land on Sunrise Road from LI \(Light Industrial\) zoning district to C-1a \(General Commercial - Limited\) zoning district. \(First Reading\)](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

Pursuant to Section 14.04 of the Round Rock City Charter, Councilmember Moman stated for the record that he had a conflict of interest for this item and excused himself from any discussion and voting on this item.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 0.9248 ACRES OF LAND, OUT OF THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT LI (LIGHT INDUSTRIAL) TO DISTRICT C-1A (GENERAL COMMERCIAL - LIMITED).

MOTION: Councilmember Salinas moved to approve the ordinance. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Abstain:     Councilmember Moman  
                 Nays:         None  
                 Absent:      Councilmember White

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-tem Clifford moved to dispense with the second reading of the ordinance with the consent of the council and adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Abstain:     Councilmember Moman  
                 Nays:         None  
                 Absent:      Councilmember White

ACTION: The motion carried unanimously.

[9C1. Consider an ordinance granting a franchise to IESI Corporation to engage in garbage collection within the City. \(First Reading\)\(Requires Two Readings\)](#) Michael Thane, Utilities Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING A FRANCHISE TO IESI CORPORATION TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember Salinas seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:         None  
                 Absent:      Councilmember White

ACTION: The motion carried unanimously.

[9C2. Consider an ordinance granting a franchise to Texas Disposal Systems, Inc. to engage in garbage collection within the City. \(First Reading\)\(Requires Two Readings\)](#) Michael Thane, Utilities

Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING A FRANCHISE TO TEXAS DISPOSAL SYSTEMS, INC. TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem Clifford moved to approve the ordinance. Councilmember Moman seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:      None  
                 Absent:      Councilmember White

ACTION: The motion carried unanimously.

[9C3. Consider an ordinance granting a franchise to Allied Waste to engage in garbage collection within the City. \(First Reading\)\(Requires Two Readings\)](#) Michael Thane, Utilities Director

made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING A FRANCHISE TO ALLIED WASTE TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember Whitfield seconded the motion.

VOTE:      Ayes:      Councilmember Honeycutt  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:      None  
                 Absent:      Councilmember White

ACTION: The motion carried unanimously.

[9C4. Consider an ordinance granting a franchise to Central Texas Refuse, Inc. to engage in garbage collection within the City. \(First Reading\)\(Requires Two Readings\)](#) Michael Thane, Utilities

Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE GRANTING A FRANCHISE TO CENTRAL TEXAS REFUSE, INC. TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Salinas moved to approve the ordinance. Councilmember Moman seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:     None  
                 Absent:    Councilmember White

ACTION: The motion carried unanimously.

RESOLUTIONS:

[10A1. Consider a resolution approving an application for the Edward Byrne Memorial Justice Assistance Formula Grant in the amount of \\$442,968.00.](#) Brad Bradford, Emergency Management

Coordinator made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:     None  
                 Absent:    Councilmember White

ACTION: The motion carried unanimously.

[10B1. Consider a resolution adopting the 2009-2013 Five Year Consolidated Plan and First Program Year Draft Action Plan for 2009-2010 CDBG Activities.](#) Jim Stendebach, Planning and

Community Development Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution as submitted.

Councilmember Whitfield seconded the motion.

Councilmember Honeycutt withdrew his motion with the approval of the second,  
Councilmember Whitfield.

MOTION: Councilmember Honeycutt moved to approve the resolution with the allocation changes of all programs less than \$15,000 be removed, the Single Family Rehabilitation Program be reduced to \$200,237 and \$100,000 be allocated to Habitat for Humanity. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:     None  
                 Absent:    Councilmember White

ACTION: The motion carried unanimously.

MOTION: Councilmember Whitfield moved to amend the 5 Year Consolidated Plan with the changes made in the previous motion and vote. Councilmember Salinas seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:     None  
                 Absent:    Councilmember White

ACTION: The motion carried unanimously.

[10C1. Consider a resolution ranking the top three proposals for architectural services for the Intermodal Transit Terminal and Parking Facility.](#) David Bartels, with Public Works Operations made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw

Nays: Councilmember Moman

Absent: Councilmember White

ACTION: The motion carried with 5 Ayes and 1 Nay.

10D1. Consider a resolution authorizing the Mayor to execute Change Order No. 3 with

Austin Bridge and Road for the East Austin Avenue and East Liberty Avenue Improvement Project.

Danny Halden, City Engineer made the staff presentation.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember Salinas  
Councilmember Moman  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw

Nays: None

Absent: Councilmember White

ACTION: The motion carried unanimously.

10D2. Consider a resolution ranking the top three proposals for engineering services for the

Little Oaks Subdivision Improvements Project. Danny Halden, City Engineer made the staff presentation.

MOTION: Councilmember Moman moved to re-rank the proposals with BWR as number 1, Freese & Nichols as number 2, and Kasberg, Patrick & Assoc. as number 3. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Moman  
Nays: Councilmember Honeycutt  
Councilmember Salinas  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw

Absent: Councilmember White

ACTION: The motion failed with 1 Aye and 5 Nays.

MOTION: Councilmember Honeycutt moved to approve the resolution as submitted.

Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember Salinas  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw  
Nays: Councilmember Moman



Absent: Councilmember White

ACTION: The motion carried with 5 Ayes and 1 Nay.

10E1. Consider a resolution expressing official intent to reimburse cost of acquiring certain vehicles and equipment. Cheryl Delaney, Finance Director made the staff presentation.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Moman seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                 Nays:     None  
                 Absent:    Mayor McGraw  
                                 Councilmember White

ACTION: The motion carried unanimously.

10E2. Consider a resolution authorizing property tax refunds to Garden Ridge, L.P. for 2007 and 2008 taxes totaling \$3,396.69. Cheryl Delaney, Finance Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                 Nays:     None  
                 Absent:    Mayor McGraw  
                                 Councilmember White

ACTION: The motion carried unanimously.

10E3. Consider a resolution adopting the City’s Privacy Policy regarding social security numbers for utility billing. Cheryl Delaney, Finance Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:     None  
                 Absent:    Councilmember White

ACTION: The motion carried unanimously.

10F1. Consider a resolution authorizing the adoption of the "Fiscal Year 2010 Disadvantaged Business Enterprise (DBE) Program." David Bartels made the staff presentation.

MOTION: Councilmember Salinas moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:     None  
                 Absent:    Councilmember White

ACTION: The motion carried unanimously.

10F2. Consider a resolution authorizing the Mayor to execute the Capital Metropolitan Transportation Authority Job Access Reverse Commute Project Grant (CapMetro JARC). David Bartels made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:     None  
                 Absent:    Councilmember White

ACTION: The motion carried unanimously.

10F3. Consider a resolution authorizing the Mayor to execute a Standard Utility Agreement with Oncor for the relocation of electrical facilities related to the north A.W. Grimes Boulevard (FM 1460) expansion project. John Dean, Transportation Planner, made the staff presentation.

MOTION: Mayor Pro-tem Clifford moved to approve the resolution. Councilmember Moman seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw

Nays: None  
Absent: Councilmember White

ACTION: The motion carried unanimously.

10G1. Consider a resolution authorizing the Mayor to execute Amendment No. 1 to the Contract for Professional Services with Torti-Gallas regarding the Downtown Master Plan. Will

Hampton, Communications Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember Salinas  
Councilmember Moman  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw  
Nays: None  
Absent: Councilmember White

ACTION: The motion carried unanimously.

10G2. Consider a resolution approving a change in the tariffs of Atmos Energy Corporation, Mid-Tex Division as a result of a settlement between Atmos and the Atmos Texas Municipalities. David

Kautz, Assistant City Manager/CFO, made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember Salinas  
Councilmember Moman  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw  
Nays: None  
Absent: Councilmember White

ACTION: The motion carried unanimously.

10G3. Consider a resolution authorizing the Mayor to execute a Specialized Service Agreement with the Texas Department of Information Resources to upgrade AT&T fiber optic internet.

This item was withdrawn from the agenda at the request of staff.

10G4. Consider a resolution giving the Council’s consent to the Brushy Creek Regional Utility Authority (BCRUA) to enter into an engagement letter with Peña Swayze for accounting services. Cindy

Demers, Assistant City Manager, made the staff presentation.

**MOTION:** Mayor Pro-tem Clifford moved to approve the resolution. Councilmember Moman seconded the motion.

**VOTE:**     Ayes:       Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:       None  
                 Absent:      Councilmember White

**ACTION:** The motion carried unanimously.

[10G5. Consider a resolution approving the Administrative Operating Budget of the Brushy Creek Regional Utility Authority \(BCRUA\) through September 30, 2009.](#) Cindy Demers, Assistant City Manager, made the staff presentation.

**MOTION:** Councilmember Salinas moved to approve the resolution. Mayor Pro-tem Clifford seconded the motion.

**VOTE:**     Ayes:       Councilmember Honeycutt  
                         Councilmember Salinas  
                         Councilmember Moman  
                         Councilmember Whitfield  
                         Mayor Pro-tem Clifford  
                         Mayor McGraw  
                 Nays:       None  
                 Absent:      Councilmember White

**ACTION:** The motion carried unanimously.

[COUNCIL COMMENTS](#)

[ADJOURNMENT](#)

There being no further business, the meeting adjourned at 9:54 P.M.

Respectfully Submitted,

Sara L. White, City Secretary